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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,072	05/29/2001	Shinya Arai	07200.013001	5743

22511 7590 10/06/2004

OSHA & MAY L.L.P.
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EXAMINER


HAQ, NAEEM U

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,072	ARAI, SHINYA 	
	Examiner	Art Unit	
	Naeem Haq	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

This claim is not within the technological arts. The steps of this claim can be performed by hand and does not require any technology whatsoever. *"The claimed invention must utilize technology in a non-trivial manner" (Ex parte Bowman, 61 USPQ2d, 1665,1671 (Bd. Pat. App. & Inter. 2001))*. Although Bowman is not precedential, it has been cited for its analysis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGill et al. (US 6,678,685 B2) hereinafter referred to as McGill in view of

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Pundarika et al. (US 2003/0043144 A1) hereinafter referred to as Pundarika and further in view of Official Notice.

Referring to claims 1-3, McGill discloses a shopping information providing server for providing shopping information, comprising: a customer database which allows authentication of a user upon receiving an input ID with a password and stores the ID of the user and family information of the user in correspondence with each other (column 2, lines 42-47; column 3, line 66 – column 4, line 3; column 13, lines 35-37); a menu database which stores a menu item, a type of a material necessary for the menu, and a necessary quantity of the material in correspondence with each other (column 12, line 64 – column 13, line 7); first storage means for authenticating the user using said customer database in accordance with an input from the user and storing the family member information of the authenticated user (column 2, lines 42-47; column 6, lines 6-23); storage means for receiving menu selection information from the user and storing, on the basis of the selected menu, a type of article necessary for the menu and a necessary quantity of the article (column 12, line 64 – column 13, line 7, lines 28-32). McGill does not teach a second storage. However, McGill discloses that database “16” can be a distributed database (column 4, lines 3-6). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the database of McGill as a distributed database. One of ordinary skill in the art would have been motivated to do so in order to decrease the processing load from server “14” in the invention of McGill. McGill does not teach a calculation means for calculating a total necessary quantity necessary for the selected menu for all family

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members on the basis of the family member information stored in said first storage means and the type and necessary quantity of the article stored in said second storage means. However, Pundarika teaches an online system wherein the amount of each ingredient in a recipe is adjusted automatically based on the number of servings (page 3, paragraph [0019], lines 16-25). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the calculation means of Pundarika into the system of McGill. One of ordinary skill in the art would have been motivated to do so in order to allow a user to adjust a recipe for a different number of servings as taught by Pundarika. The cited prior art does not disclose a means for storing the article and necessary quantity calculated by said calculation means. However, Official Notice is taken that it is old and well known in the art to store the result of a calculation in a database. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the system of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to retrieve the information at a later time. McGill also teaches a special sale information database which stores a providing source, and an article for special sale and a price thereof in correspondence with the providing source (column 14, lines 18-35), wherein when the article stored in said information providing means is compared with articles stored in said special sale information database, and a matching article is detected, the matching article is marked with a symbol, and special sale information in said special sale information database, which is special sale information selected by the authenticated user, is stored in said

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information providing means in correspondence with the providing source, and the information stored in said information providing means is provided to the authenticated user in accordance with a request from the authenticated user (column 14, line 36 – column 15, line 10).

Referring to claims 4 and 5, McGill teaches that his invention keeps track of inventory based on quantities purchased and consumed (i.e. stock information) (column 14, lines 42-45).

Conclusion

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP

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§ 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

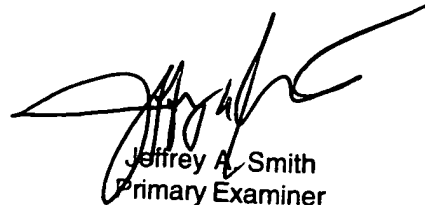
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (703)-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naeem Haq, Patent Examiner
Art Unit

September 29, 2004



Jeffrey A. Smith
Primary Examiner